



City of Alexandria, Virginia
Department of Planning & Zoning

SPECIAL USE PERMIT CERTIFICATE

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this Special Use Permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the Special Use Permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit	#2016-0101
Approved by Planning and Zoning:	January 19, 2017
Permission is hereby granted to:	Amela Svalina & Ivica Svalina
To use the premises located at:	1024 Cameron Street
For the following purpose:	see attached report

It is the responsibility of the Special Use Permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

1/19/17

Date

Karl Moritz/aa

Karl Moritz, Director
Department of Planning and Zoning

DATE: January 19, 2017

TO: Alex Dambach, Division Chief
Department of Planning and Zoning

FROM: Sara Brandt-Vorel, Urban Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2016-0101
Administrative Review for a New Use
Site Use: Restaurant
Proposed Business Name: Old House
Applicant: Amela Svalina & Ivica Svalina
Location: 1024 Cameron Street
Zone: CD/Commercial Downtown

Request

Special Use Permit #2016-0101 is a request to operate a new restaurant with 95 seats on the first and second floors of 1024 Cameron Street. The proposed restaurant would offer a menu primarily consisting of traditional German foods, such as wiener schnitzel, spatzle, bratwurst, German goulash soup, German pastries and desserts, and on-premises alcohol sales to augment the dining experience. The applicant does not propose any deliveries from the restaurant or live-entertainment. Proposed hours of operation are, 10 a.m. to 10 p.m., Monday through Thursday, 10 a.m. to 11:30 p.m., Friday and Saturdays, and 9 a.m. to 9 p.m., Sundays. The applicant proposes 95 indoor seats and a staff of up to 12 employees at a time.

Elements of the restaurant proposal include:

Proposed Hours of Operation: 10 a.m. – 10 p.m., Monday - Thursday
10 a.m. – 11:30 p.m., Friday - Saturday
9 a.m. – 9 p.m., Sundays

Proposed Seating: 95 indoor seats.

Type of Service: Full-service restaurant with dine-in seating.

Delivery: No delivery proposed.

Alcohol: On-premises alcohol sales proposed.

Employees per Shift: 12 employees per shift.

Noise: Minimal noise, typical with restaurant operations is expected.

Odors: Minimal odors from a restaurant use are addressed through proper ventilation.

Trash/Litter: All trash receptacles will be emptied into dumpsters located behind the proposed restaurant. Dumpsters would be emptied every other day, or as needed.

Background

City Council approved SUP #2452 in November 1990 which allowed a delicatessen, carry-out restaurant, and convenience store to operate. In October 1991, City Council approved SUP #2452-A which granted seating for the carry-out restaurant portion of the business. A year later in October 1992, City Council completed a review of the use through SUP #2452-B. In January 2003, City Council approved SUP #2002-0113 which granted the applicant permission to enclose an existing outdoor seating area at the then-existing Pasta Peasant. Staff administratively approved a change of ownership in January 2005 through SUP #2004-0111 from the Pasta Peasant to George's King of Falafel, Inc. and again in December 2005 through SUP #2005-0123 to King Kabob of Virginia, LLC, t/a Sultan's Kabob. A third administrative change of ownership was approved by staff in July 2009 through SUP #2009-0031, however the restaurant never opened and the building has remained vacant since 2007.

Parking

The applicant's proposed restaurant is located within the Central Business District and Section 8-300(B) of the Zoning Ordinance waives the parking requirement for restaurants located within the Central Business District. As such, the applicant is not required to provide off-street parking for restaurant seating.

Zoning/Master Plan Designation

The property is located in the CD/Commercial Downtown Zone. According to Section 4-502.1, restaurants in the CD Zone which comply with Section 11-513(L) of the Zoning Ordinance may be approved through an administrative Special Use Permit. The proposed restaurant is also located within the Old Town Small Area Plan which encourages pedestrian oriented retail and restaurants in close proximity to King Street, the primary commercial corridor. The proposed restaurant use is therefore consistent with the goals of the small area plan. The Old Town Small Area Plan also includes the Old Town Restaurant Policy which requires an analysis of a proposed restaurant's impact on parking, late hours, alcohol sales, and littering.

The proposed business is located in the City's Old and Historic District, therefore any exterior work or signage will require review and approval by the Board of Architectural Review (BAR). The applicant's proposed restaurant location, within one block of King Street, enables the applicant to apply to the King Street Outdoor Dining Program to request seasonally appropriate outdoor dining.

Community Outreach

Public Notice was provided through eNews, via the City's website, and by posting a placard at the site. In addition, the Old Town Civic Association, West Old Town Citizens Association, Braddock Station Civic Association and Upper King Street Neighborhood Association were informed of the new restaurant application. Staff received two letters of support for the proposed restaurant use from nearby residents.

Staff Action

Staff supports the applicant's request for a new restaurant use at 1024 Cameron Street and finds the restaurant will bring a new food concept near King Street. The applicant's proposed restaurant will likely encourage additional activity to the site and create a lively destination on a prominent corner which has been vacant for a number of years. Staff also received letters of the support for the applicant's proposal from two members of the community who were excited about a new restaurant taking over a vacant building and creating activity in the neighborhood. Staff has also evaluated the applicant's restaurant request in the context of the Old Town Restaurant Policy and finds the restaurant complies with policy goals of protecting the existing quality of life of the neighborhood.

Parking: While the applicant's proposed restaurant is one block off of King Street, staff finds that a majority of restaurant patrons will likely use alternative forms of transportation to reach the restaurant such as the King Street Metro, the Dash bus, Metrorail buses, and the King Street Trolley. The applicant's restaurant is also within walking distance of two parking garages which would be available for patrons to use and would be promoted by the applicant. The applicant has also indicated they are considering a valet parking service, which would require a separate Special Use Permit application at a later point in time. Nonetheless, staff has included standard conditions to limit the potential parking impacts such as Condition #7 requiring the applicant to promote public transportation and explore an employee transportation benefits program and Condition #9 which requires the applicant to provide information on alternative forms of transportation to reach the restaurant. All employees must also use off-street parking when at work as required through Condition #20.

Litter: The applicant will utilize a local trash removal service to remove trash every other day, or as needed, from an onsite dumpster. The applicant has also indicated staff will regularly patrol the site to remove any litter. Additionally, as the applicant is proposing a full-service restaurant with wait staff, staff does not feel that litter will be a challenge. However, staff has included Condition #17 requiring all waste products be disposed of according to local, state and federal regulations and Condition #21 requiring the applicant to monitor the site and remove trash three times day.

Alcohol and Late Hours: The applicant is proposing on-premises alcohol sales in conjunction with their dine-in restaurant concept and as such, staff finds this to be a reasonable request. Additionally, a number of adjacent restaurants offer on-premises alcohol sales to enhance the dining experience for their patrons and staff does not have a record of complaints against those restaurants. The applicant requested varied closing times and staff has standardized the closing

hour to 12 a.m., midnight to give the applicant more flexibility through Condition #4. This condition also limits the potential of late night activity as it requires all orders to be placed by the closing hour and all patrons must depart within one hour of the closing hour. Staff has also approved an opening time of 7 a.m., which is consistent with neighborhood standards and seen as a commonly approved opening time for other restaurants located along King Street. Condition #22 was also included which requires all staff to be trained upon the conditions of the Special Use Permit and how to prevent underage sales of alcohol.

Diversity of Uses: The proposed subject site has been vacant since 2007 and staff finds an active restaurant use would be a positive amenity for the neighborhood and community. Furthermore, while sitting vacant for a number of years, the proposed restaurant would be a one to one replacement of a previous restaurant use at the site and would therefore not change the balance of uses found in the King Street area.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION – DEPARTMENT OF PLANNING AND ZONING:

Date: January 19, 2017
Action: Approved



Alex Dambach, Division Chief

Attachments: 1) Special Use Permit Conditions
2) City Department Comments
3) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2016-0101

The new owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z)
2. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
3. The restaurant shall have 95 indoor seats. Outdoor seats may be permitted through the King Street Outdoor Dining Program. (P&Z)
4. The hours of operation for indoor dining shall be limited to between 7 a.m. and 12 a.m. daily. Meals ordered before the closing hour may be served, but no new patrons may be admitted, and all patrons must leave by one hour after the closing hour. (P&Z)
5. On-premises alcohol service may be permitted, consistent with a valid Virginia ABC license. Off-premises alcohol sales are not permitted at the restaurant. (P&Z)
6. No food, beverages, or other material shall be stored outside. (P&Z)
7. The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)
8. The applicant shall direct patrons to the availability of parking at nearby public garages and shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggested parking strategies in the King Street Retail Strategy (Old Town Area Parking Study). (T&ES)
9. The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at goalex@alexandriava.gov for more information on establishing an employee transportation benefits program (T&ES)
10. The applicant shall encourage patrons to park off-street through the provision of information about nearby garages on advertising and on the restaurant's website. (T&ES)
11. Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
12. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)

13. If used cooking oil is stored outside, the lid of the used cooking oil drum shall be kept securely closed (using a bung -- a secure stopper that seals the drum) when not receiving used oil. The drum shall be placed on secondary containment, and situated under cover to prevent rainwater from falling on it.(T&ES)
14. Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of Planning & Zoning and Transportation & Environmental Services, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES)
15. Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES)
16. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
17. All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
18. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
19. The use must comply with the city's noise ordinance. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
20. The applicant shall require its employees who drive to work to use off-street parking. (T&ES)
21. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and picked up at least twice during the day and at the close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation. (T&ES)
22. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z)

23. All windows shall remain transparent. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage. (P&Z)
24. The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the Director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, or (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

IV. CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- R-1 The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at GoAlex@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)
- R-2 The applicant shall direct patrons to the availability of parking at nearby public garages and shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggested parking strategies in the King Street Retail Strategy (Old Town Area Parking Study). (T&ES)
- R-3 The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES)
- R-4 The applicant shall encourage patrons to park off-street through the provision of information about nearby garages on advertising and on the restaurant's website. (T&ES)
- R-5 Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
- R-6 Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
- R-7 If used cooking oil is stored outside, the lid of the used cooking oil drum shall be kept securely closed (using a bung -- a secure stopper that seals the drum) when not receiving used oil. The drum shall be placed on secondary containment, and situated under cover to prevent rainwater from falling on it. (T&ES)
- R-8 Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES)
- R-9 Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES)
- R-10 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)

- R-11 All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
- R-12 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-13 The use must comply with the city's noise ordinance. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
- R-14 The applicant shall require its employees who drive to work to use off-street parking.
- R-15 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and picked up at least twice during the day and at the close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation.

City Code Requirements:

- C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of SUP approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form. (T&ES)
- C-2 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)
- C-3 Section 5-1-42- Collection by Private collectors. (c) Time of collection. Solid waste shall be collected from all premises not serviced by the city at least once each week. No collections may be made between the hours of 11:00 p.m. and 7:00 a.m. (6:00 a.m. from May 1, through September 30) if the collection area is less than 500 feet from a residential area. (T&ES)

Fire Department:

- F-1 A fire prevention permit will be required for the following condition – assembly.

Code Enforcement:

No comments received.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. A permit shall be obtained prior to operation, and is not transferable between one individual, corporation or location to another. Permit application and fee are required.
- C-2 Construction plans shall be submitted to the Health Department located at 4480 King Street and through the Multi-Agency Permit Center. Plans shall be submitted and approved by the Health Department prior to construction. There is a \$200.00 plan review fee payable to the City of Alexandria.
- C-3 Construction plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food Safety Code of the City of Alexandria. Plans shall include a menu of food items to be offered for service at the facility and specification sheets for all equipment used in the facility, including the hot water heater.
- C-4 A Food Protection Manager shall be on-duty during all operating hours.
- C-5 The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.
- C-6 In many cases, original wooden floors, ceilings and wall structures in historical structures may not be suitable for food service facilities. Wood materials shall be finished in a manner that is smooth, durable, easily-cleanable, and non-absorbent.
- C-7 Facilities engaging in the following processes may be required to submit a HACCP plan and/or obtain a variance: Smoking as a form of food preservation; curing/drying food; using food additives to render food not potentially-hazardous; vacuum packaging, cook-chill, or sous-vide; operating a molluscan shellfish life-support system; sprouting seeds or beans; and fermenting foods.

Recreation, Parks and Cultural Activities:

No comments received.

Police Department:

No comments received.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2016-0101. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant use at 1024 Cameron Street.

IVICA S

Applicant – Signature

01 25 17

Date

IVICA SVALINA

Applicant – Printed

01 25 17

Date